

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

## FEDERAL NATIONAL MORTGAGE,

No. C 12-04666 SI

Plaintiff,

V.

GALLARDO, et al.,

**AMENDED ORDER GRANTING IN  
FORMA PAUPERIS STATUS;  
VACATING HEARING; REMANDING  
CASE TO CONTRA COSTA COUNTY  
SUPERIOR COURT**

### Defendants.

This case stems from an action for unlawful detainer under California state law. Defendant removed the action from Contra Costa County Superior Court on September 6, 2012. On November 6, 2012, this Court issued an order to show cause why the case should not be remanded, noting that unlawful detainer does not arise under federal law but is purely a creature of California law. *See* Docket No. 12. Defendants' response to the order to show cause was due November 20, 2012. Defendants have not responded, requested an extension of time, or communicated with the Court in any way. Subsequently, plaintiff filed a motion to remand, and that motion is scheduled for a hearing on February 8, 2013. Pursuant to Civil Local Rule 7-1(b), the Court determines that these matters are appropriate for resolution without oral argument and VACATES the hearing scheduled for February 8, 2013. Defendants request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) is hereby GRANTED. However, defendants have failed to establish a basis for federal subject matter jurisdiction. Accordingly, plaintiff's motion to remand is GRANTED and the case is hereby REMANDED to Contra Costa County Superior Court.<sup>1</sup> This Order resolves Docket Nos. 3, 4, and 14.

## **IT IS SO ORDERED.**

Dated: January 15, 2013

Susan Illston  
SUSAN ILLSTON  
United States District Judge

<sup>1</sup> This Order amends Docket No. 15, which incorrectly remanded the case to Alameda County Superior Court.